



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

TODD P. GRAVES

Contact Don Ledford, Public Affairs • (816) 426-4220 • 400 East Ninth Street, Room 5510 • Kansas City, MO 64106

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FOR IMMEDIATE RELEASE

MONETT MEN INDICTED FOR SELLING ILLEGALLY IMPORTED DRUGS AT LOCAL GROCERY STORE

KANSAS CITY, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced today that the owner and an employee of a Monett, Mo., grocery store have been indicted by a federal grand jury for selling illegally imported and misbranded drugs to customers of their store.

Jose Ines Ibarra, 44, and **Nicolasa Salas-Serrano**, 37, both of Monett, were charged in a 13-count indictment returned under seal by a federal grand jury in Springfield on Nov. 3, 2005. That indictment was unsealed and made public today upon the arrest and initial court appearance of **Ibarra** and **Salas-Serrano**. After being arrested on Monday, each of the defendants was released on a \$25,000 bond.

Ibarra is the owner and **Salas-Serrano** an employee of Calamex Produce, an unincorporated business in Monett. Both **Ibarra** and **Salas-Serrano** are citizens of Mexico with permanent resident alien status in the United States.

The federal indictment alleges that **Ibarra** and **Salas-Serrano** purchased both prescription and non-prescription drugs smuggled into the United States from Mexico, some of which have not been approved for sale in the United States, and sold the drugs to customers of their store. According to the indictment, **Ibarra** and **Salas-Serrano** dispensed prescription drugs to their customers without first receiving a prescription from a physician licensed to administer such drugs.

Ibarra and **Salas-Serrano** allegedly dispensed Duals Adulto and Duals Infantil, pain medications containing the ingredient phenacetin, which was removed the market in the United States because it is associated with a high potential for harm to the kidneys. Drug products containing phenacetin may not be marketed in the United States. In addition, **Ibarra** and **Salas-**

Serrano allegedly dispensed Neo-Melubrina, a pain reliever containing the ingredient dipyrene, which has been discontinued because of reports that agranulocytosis was sometimes fatal when associated with the use of dipyrene and because of the availability of alternative drug products that have less risk potential. There are no drugs containing dipyrene that have been approved in the United States.

Among the drugs that were allegedly dispensed by **Ibarra** and **Salas-Serrano** without a prescription were Pentrexyl Ampicilina and Graneodin Benzocaina, which are used to treat swollen throats, and Grageas Levonorgestrel Efinilestradiol, which is used to prevent pregnancy.

Counts One through Three of the federal indictment allege that **Ibarra** and **Salas-Serrano** dispensed prescription drugs without a prescription on three occasions between Dec. 9, 2003, and April 21, 2004.

Counts Four through Seven of the federal indictment allege that **Ibarra** and **Salas-Serrano** received misbranded drugs and sold them to customers on four separate occasions from Dec. 9, 2003, to April 21, 2004. According to the indictment, information on the label of those drugs was written in Spanish rather than English as required by federal law .

Counts Eight through Thirteen of the federal indictment allege that **Ibarra** and **Salas-Serrano** bought, sold, and concealed prescription and non-prescription drugs that were smuggled into the United States from Mexico on six separate occasions from September 2003 through April 29, 2004.

Graves cautioned that the charges contained in the indictment are simply accusations, and not evidence of guilt. Evidence supporting the charges must be presented to a federal trial jury, whose duty is to determine guilt or innocence.

This case is being prosecuted by Assistant U.S. Attorney Richard E. Monroe. It was investigated by the Food and Drug Administration – Office of Inspector General, the Bureau of Immigration and Customs Enforcement, IRS-Criminal Investigation, and the Monett, Mo., Police Department.

This news release, as well as additional information about the office of the United States Attorney for the Western District of Missouri, is available on-line at

www.usdoj.gov/usao/mow/index.html